

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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DENISE CASSESE f/k/a DENISE CALIGIURI,
GEORGE SCOTT RUSH, RICHARD
MELICHAR and RICHARD SCHROER,
individually and on behalf of all others similarly
situated,

**MEMORANDUM OF
DECISION AND ORDER**
05-cv-2724 (ADS)(ARL)

Plaintiffs,

-against-

WASHINGTON MUTUAL, INC.;

THE FEDERAL DEPOSIT INSURANCE
COMPANY, in its capacity as receiver for
WASHINGTON MUTUAL BANK, such entity
having incorporated former defendants
WASHINGTON MUTUAL BANK, FA and
WASHINGTON MUTUAL HOME LOANS,
INC.; and

WASHINGTON MUTUAL BANK, FSB,

Defendants.

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APPEARANCES:

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Elysa M. Dishman, Esq., of Counsel

SPATT, District Judge.

On April 20, 2010, the Court issued an order amending the caption in this case and directing all parties to identify their counsel of record within five days. As of this date, the Court has received letters identifying counsel for all named parties except for Washington Mutual Bank, FSB. The Court has also received a letter from third-party JPMorgan Chase Bank, NA, indicating that it is represented by counsel, as the plaintiffs currently are seeking to add it as a defendant.

The Court indicated in a previous order in this case its understanding that Washington Mutual Bank, FSB remained an existing legal entity, now owned by third-party JPMorgan Chase & Co. Cassese v. Washington Mut., Inc., No. 05-cv-

2724(ADS)(ARL), 2009 WL 3599552, *3 (E.D.N.Y. Apr. 6, 2009) (“In addition, counsel explained that Washington Mutual Bank, FSB, is a separate legal entity, which is presently owned by JP Morgan Chase & Co and not under the receivership of the FDIC.”) The Court now directs the parties and third party JPMorgan Chase Bank, NA to confer and to submit a letter to the Court indicating whether Washington Mutual Bank, FSB remains a viable legal entity. In the event that the parties determine that Washington Mutual Bank, FSB has been dissolved, the parties are directed to indicate the date of that dissolution. To the extent that Washington Mutual Bank, FSB remains an incorporated legal entity, but makes no response to the Court’s present order within ten days, the Court will enter a default judgment against Washington Mutual Bank, FSB.

SO ORDERED.

Dated: Central Islip, New York
April 29, 2010

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge